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EXAMINER

PATEL, DHIRUBHAI R

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

K1D

Office Action Summary

Application No.

09/859,718

Applicant(s)

GUST ET AL.

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/18/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-17 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 10-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>SKETCH A</u> |

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Part III DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a tubing having a first end and a second end and solely hermetically sealing said first end recited in claims 1,10 and 14 must be shown or the feature(s) canceled from the claim(s). Examiner suggests showing reference number for a first end and a second end and solely hermetically sealing. A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter should be entered.

Applicant is responsible for showing reference number for claimed invention.

2. Applicant is required to submit a proposed drawing correction in reply to this office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

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In claim 1 line 1, " an electrical wiring assembly " is not adequately supported by the specification.

In claim 10 line 1, " an electrical wiring assembly " is not adequately supported by the specification.

In claim 14 line 1, " an electrical wiring assembly " is not adequately supported by the specification.

Claim Objections

4. Claims 3,10-13 are objected to because of the following informalities:

In claim 3 line 2, " each said terminal " is confusing. The examiner suggest change to " said at least one electrical terminal" instead for improved clarity.

In claim 10 line 6, " each said terminal " is confusing. The examiner suggest change to " said at least one electrical terminal" instead for improved clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Frye (5,565,652).

Frye discloses:

Regarding claim 1, at least one electrical conductor 24 (see fig 1, column 4 lines 65-67), a flexible electrical tubing 12 having a first end and a second end (see sketch A), said tubing loosely carrying said at least one electrical conductor (see fig 1); said at least one electrical conductor traversing said tubing from said first end to said second end (see sketch A) and an electrical component 34 associated with said at least one electrical conductor (see fig 1), said electrical component solely hermetically sealing said first end (see sketch A, column 5 lines 24-35).

Regarding claim 2, the assembly of Frye discloses all the features of the claimed invention as shown above, including said tubing including an inner surface (see fig 1), said electrical component hermetically sealing with said inner surface (see fig 1).

Regarding claim 7, the assembly of Frye discloses all the features of the claimed invention as shown above, including said tubing including a non-smooth inner surface (see fig 1), said

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electrical component having an outer periphery which is in continuous, intimate physical contact with said inner surface (see fig 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 8-9 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over

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Frye (5,565,652).

Frye discloses:.

Regarding claim 8, the assembly of Frye disclosed all the feature of the claimed invention.

With respect to said electrical component formed by the process of insert molding with said tubing. The presence of process limitations in product claims, which product does not otherwise patentably distinguish over prior art, cannot impart patentability to the product. In re Stephens 145 USPQ 656 (CCPA 1965).

Regarding claim 9, the assembly of Frye disclose all the features of the claimed invention as shown above, with respect to said tubing having a non- smooth outer surface with one of a convoluted and spiral shape. Applicant doesn't state a particular problem is solved by the shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Frye with a non- smooth outer surface with one of a convoluted and spiral shape , since more than a mere change of form is necessary for patentability. In re Span-Deck Inc. V. Fab-con, Inc. (CA 8, 1982) 215 USPQ 835.

Allowable Subject Matter

7. Claims 3, 10-13 would be allowable if rewritten or amended to overcome the objection, set forth in this Office action.
8. Claims 14-17 are allowed.

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9. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reasons for the indication of the allowability of claims 3-6, 10-17 are the inclusion therein, in combination as currently claimed, of the limitation of said electrical component comprising an electrical connector (for claim 3), said electrical component comprising a plug (for claim 4), at least one annular projection engaged with said inner surface (claims 5-6), an electrical connector having at least one electrical terminal, said electrical connector hermetically sealing said first end (for claims 10-13), and a plug solely hermetically sealing said first end (for claims 14-17).

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

Response to Arguments

10. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is (571) 272 -1983. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. The fax number for this Group is 703-872-9306 .Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272 -2800 ext 31..

Dhiru Patel
Primary Examiner

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Group Art Unit 2831
February 23, 2004

Dhiru P. Patel
Primary Examiner
2/23/04.

SKETCH "A"

